

MAR 10 2015

SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL
EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE INFERTILITY
PROCEDURE COVERAGE.

1 WHEREAS, infertility is a disease of the reproductive
2 system that impairs one of the body's most basic functions: the
3 conception of children; and
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5 WHEREAS, in the United States, infertility affects about
6 7.3 million women and their partners, approximately 12 percent
7 of the reproductive age population, or one in eight couples; and
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9 WHEREAS, most infertility cases - 85 to 90 percent - are
10 treated with conventional medical therapies such as medication
11 or surgery; and
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13 WHEREAS, since 1978, assisted reproductive technology, and
14 most commonly in vitro fertilization, has provided another
15 solution for many would-be parents; and
16

17 WHEREAS, while vital for some patients, in vitro
18 fertilization and similar treatments account for less than 3
19 percent of infertility services, and about .07 percent of health
20 care costs in the United States; and
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22 WHEREAS, since 1987, Hawaii has required insurance coverage
23 for the treatment of infertility through in vitro fertilization
24 under certain qualifying conditions; and
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26 WHEREAS, existing law has a number of shortcomings, as it
27 covers only one form of assisted reproductive technologies, in
28 vitro fertilization; provides a one-time only benefit; applies
29 only to an insured's covered spouse; requires fertilization with
30 sperm from the patient's spouse; requires a history of
31 infertility of at least five years; and applies only to a



1 limited number of medical conditions associated with
2 infertility; and
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4 WHEREAS, for those couples who do not meet these
5 requirements - whether for medical or other reasons - the
6 assisted reproductive technologies not covered under existing
7 law may cost \$15,000 to \$20,000 per procedure, and must often be
8 repeated before a successful live birth; and
9

10 WHEREAS, in the nearly twenty-five years since the
11 enactment of the Hawaii law requiring coverage of in vitro
12 fertilization, there have been substantial changes and
13 improvements in assisted reproductive technologies, which could
14 provide couples in Hawaii with additional treatment options
15 appropriate for their specific infertility diagnosis; and
16

17 WHEREAS, section 23-51, Hawaii Revised Statutes, requires
18 that "[b]efore any legislative measure that mandates health
19 insurance coverage for specific health services, specific
20 diseases, or certain providers of health care services as part
21 of individual or group health insurance policies, can be
22 considered, there shall be concurrent resolutions passed
23 requesting the auditor to prepare and submit to the legislature
24 a report that assesses both the social and financial effects of
25 the proposed mandated coverage"; and
26

27 WHEREAS, section 23-51, Hawaii Revised Statutes, further
28 provides that "[t]he concurrent resolutions shall designate a
29 specific legislative bill that:
30

31 (1) Has been introduced in the legislature; and
32

33 (2) Includes, at minimum, information identifying the:
34

35 (A) Specific health service, disease, or provider
36 that would be covered;
37

38 (B) Extent of the coverage;
39

40 (C) Target groups that would be covered;
41

42 (D) Limits on utilization, if any; and



1
2 (E) Standards of care.
3

4 For purposes of this part, mandated health insurance coverage
5 shall not include mandated optionals"; and
6

7 WHEREAS, section 23-52, Hawaii Revised Statutes, further
8 specifies the minimum information required for assessing the
9 social and financial impact of the proposed health coverage
10 mandate in the Auditor's report; and
11

12 WHEREAS, S.B. No. 768, Regular Session of 2015, or any form
13 thereof, provides for vitro fertilization insurance coverage;
14 and
15

16 WHEREAS, it's important to have equality for women who are
17 diagnosed with infertility by requiring non-discriminatory
18 coverage and ensuring quality of care in the diagnosis and
19 treatment of infertility; and
20

21 WHEREAS, the Legislature believes that infertility
22 procedure coverage will provide the people of Hawaii with non-
23 discriminatory treatment options for assisted reproductive
24 technologies that are appropriate for the specific infertility
25 diagnosis of a patient and that will assist in ensuring adequate
26 and affordable diagnosis and treatment for infertility for the
27 people of this State; now, therefore,
28

29 BE IT RESOLVED by the Senate of the Twenty-eighth
30 Legislature of the State of Hawaii, Regular Session of 2015, the
31 House of Representatives concurring, that the Auditor is
32 requested to conduct an impact assessment, pursuant to sections
33 23-51 and 23-52, Hawaii Revised Statutes, of the social and
34 financial impacts of mandating infertility procedure coverage
35 for all individual and group accident and health or sickness
36 insurance policies that provide pregnancy-related benefits,
37 effective July 1, 2015, as provided in S.B. No. 768 or any form
38 thereof; and
39

40 BE IT FURTHER RESOLVED that the Auditor is requested to
41 include in the impact assessment report:
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S.C.R. NO. 56

- (1) A survey of other states in the country that have implemented a mandate for expanded infertility in vitro fertilization procedures and examine what the social and financial impact of expanded infertility in vitro fertilization procedures has been in those states;
- (2) Whether an expansion of infertility in vitro fertilization procedures would constitute benefits that are in excess of the essential health benefits required for health insurance coverage under the federal Patient Protection and Affordable Care Act of 2010, thus requiring the State to defray such costs;
- (3) Any other impacts or requirements of the federal Patient Protection and Affordable Care Act of 2010 if a mandate for expanded infertility in vitro fertilization procedures is enacted in Hawaii;
- (4) Research on what is being used as the standard medical definition of "reproductive age" that is best suited for in vitro fertilization procedures and the success rates for different age groups to determine coverage benefit limitations for this covered benefit, including whether different standards of infertility treatments are applied to different age groups in need of infertility treatment;
- (5) An examination of current medically necessary standards of care used to determine what types of infertility treatment options are available at a more cost effective savings than in vitro fertilization, which may be best suited for individuals in need of infertility procedures;
- (6) An examination of existing technology in infertility procedures and possible future technology for infertility procedures; and
- (7) An examination of statutory compliance requirements regarding state mandated benefits across Essential Health Benefits Benchmark plans; and



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BE IT FURTHER RESOLVED that the Auditor is requested to research the underwriting of the existing Hawaii IVF mandated Essential Health Benefit since its inception, with a look back of twenty-seven years since the passage of the Hawaii IVF mandated benefit; and

BE IT FURTHER RESOLVED that the Auditor is requested to submit findings and recommendations to the Legislature, including any necessary implementing legislation, no later than twenty days prior to the convening of the Regular Session of 2016; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Auditor and to the Insurance Commissioner, who, in turn, is requested to transmit copies to each insurer in the State that issues health insurance policies.

OFFERED BY:

